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United States Department of Justice

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Attorney for Defendant

The motion can be withdrawn and refiled if necessary. No further continuances will be granted.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

NORTHWEST ENVIRONMENTAL
ADVOCATES, et al.,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant.

) No. C 03 - 05760 SI

)

) **JOINT STIPULATION TO CONTINUE**

) **BRIEFING AND HEARING DATES FOR**

) **PLAINTIFFS' MOTION FOR ATTORNEYS'**

) **FEES AND COSTS PURSUANT**

) **TO EAJA; PROPOSED ORDER**

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)

)

) **NO HEARING REQUESTED**

)

This Joint Stipulation is filed by Defendant United States Environmental Protection Agency and Plaintiffs Northwest Environmental Advocates, *et al.* In support of this Joint Stipulation, the parties state as follows:

Plaintiffs in this case have filed a Motion for Attorneys' Fees and Costs Pursuant to the Equal Access to Justice Act. (Dkt. 127) (the "Fee Motion"). The Fee Motion is currently calendared for hearing on July 17, 2009 (Dkt. 146). The parties are engaged in settlement discussions concerning the Fee Motion and therefore stipulate to a continuance of the hearing on said Motion until September 25, 2009, or such later date as is convenient for the Court. The parties further stipulate that Defendant's response to the Fee Motion will be due August 28, 2009, and Plaintiffs' reply will be due September 11, 2009.

Respectfully submitted and agreed to this 4th day of June 2009:

JOHN C. CRUDEN
Acting Assistant Attorney General
Environment and Natural Resources Division

By: s/ Martin F. McDermott
MARTIN F. McDERMOTT, Attorney
Environment and Natural Resources Division
Environmental Defense Section
U.S. Department of Justice
Attorney for Defendant

Of Counsel:
DAWN M. MESSIER
Office of General Counsel, U.S. EPA
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STIPULATED AND AGREED TO BY:

s/ Allison Michelle LaPlante
ALLISON MICHELLE LAPLANTE
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Attorney for Plaintiffs

[PROPOSED] ORDER

Upon consideration of the parties' Joint Stipulation, the hearing on Plaintiffs' Motion for Attorneys' Fees and Costs Pursuant to the Equal Access to Justice Act, currently set for July 17, 2009, is continued until Friday, September 25, 2009 at 9:00 a.m. Defendant's response to said Motion will be due August 28, 2009; Plaintiffs' reply will be due September 11, 2009.

DATED: _____
Hon. Susan Illston, United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of June, 2009, the foregoing JOINT STIPULATION TO CONTINUE BRIEFING AND HEARING DATES FOR PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS PURSUANT TO EAJA and PROPOSED ORDER have been served electronically through the Court's ECF system on counsel of record.

/s/ Martin F. McDermott
Martin F. McDermott